9935

G. R. S. IX-5]

Previous references.

cls 1–1881
cls 3–1882
cls 2–1886.

Later references.

cls. 277–14

1892-93.
~~191~~ .
(Courts)

File No. 12

Serial Nos. 1–6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–6

Part B for April 1893.

SUBJECT.

Execution of Distress Warrants between the C & M. Stations of Bangalore and the Mysore Durbar.

W D 88—GPB—50,000—24-7-16

Countermarked

Memorandum

Letter No 5552/155 dated 29th Sept 92 from the Registrar of the Chief Court of Mysore, to the address of the Chief Secretary.

Copy of letter No 1287/844 dated 22nd December 92 from the district magistrate, Kolar.

Copy of letter No 1441/173 dated 8th April 1891, from the Registrar of the Chief Court of Mysore to the Commissioner Bangalore

The marginally noted papers received from the Registrar of the Chief Court of Mysore, relating to the ~~question~~ ~~whether~~ ~~in Mysore~~ ~~Courts of~~ ~~Justice~~ distress warrants issued by the authorities in the Civil and Military Station of Bangalore, ~~can be~~ & the procedure in regard to the subject ~~executed in Mysore~~ are transferred to the Legislative Secretary for disposal.

By order

Chief Secretary

No. 5552/153 Inv: one

(12)

Bangalore 29th October 1892.

From,

The Registrar of the
Chief Court of Mysore.

To,

The Chief Secretary
to the Devan of Mysore.

Sir,

I am directed to forward for the consideration and orders of Government, the question raised by the District Magistrate of Kolar, in his letter No. 1287/844 of the 22nd Instant, copy of which is enclosed, whether Distress warrants issued by the Courts in the Civil and Military Station, Bangalore, can be executed in Mysore, and to state that, in the opinion of the Judges, there ought to be reciprocity of action in the matter, more especially as the Civil and Military Station forms part of the Territories of Mysore. It seems desirable to come to a definite understanding on the point, and to issue a Notification so as

to

to remove all doubts.

I have the honor &c.

Sir,

Your most Obedient Servant,

Benjamin

For Registrar.

221.

correspondence with the Resident on the subject as marginally noted ~~and to state~~ We will show that ~~the~~ sanctions of the Govt of India already ~~have~~ accorded ~~require~~ ~~Have been complied~~ already sanctioned regarding priority of action in respect of all criminal processes including distress warrants between the B & the Station and ~~the~~ elsewhere in Mysore State. appears no further action at present called for.

I have &c

Chief Secretary

(General Serial No. 29.)

(12)

188 OFFICE OF THE 4485- 84 [illegible] 9

From The Registrar H.C. 7-10-92 Chief Court, Mysore

To The Chief Secretary to the Dewan of Mysore.

Dated 29 Oct 92

Despatched 31-

Received

Enclosures No one

General No. 5532 / No. 155 } 188 —8.

Forwards for the consideration and orders of Government, copy of letter No. 1287/844 of the 22 Instant requesting to be informed whether distress warrants issued by the authorities in the Civil and Military Stn Bangalore, can be executed in Mysore, &c.

Jud. Mysr 31/10/92

Forward Copy Referred to the Legislature Secretary for the Govt for information

Chief Secretary

Redrafted Subject to Govt Sanction

30/5

To

The Registrar of the
Chief Court of Mysore

Sir

With reference to
your letter No: 5552/155 dated
the 29th October last, so:
inviting orders of Govt as
to whether distress warrants
issued by the courts in
the C & M Station can be
executed in Mysore or not
and suggesting that there
ought to be reciprocity
of action in the matter,
I am directed to forward
for your information &
guidance copies of the
correspondence

7

No. 1287/844 Gen. (Cir.)

District Magistrate's Office
Kolar
Dated 22nd/22 October 1892.

To

The Registrar of the
Chief Court of Mysore.
Bangalore.

Sir,

I have the honor to state that the Second Magistrate, Civil and Military Station, Bangalore, has forwarded to this Court for execution, a warrant to enforce the payment of maintenance by distress and sale of defendant's property under Section 488 of the Criminal Procedure Code, in Criminal Miscellaneous Case No 101 of 1892 on the file of his Court. I beg to be informed, whether distress warrants issued by the Authorities in the Civil and Military Station, Bangalore, can be executed in Mysore, or whether the instructions contained in your letter No. 1441/173 of the 3rd April 1891, to the address of the Sessions Judge Nundidroog Division, are also applicable to the case

under

under reference.

An early reply is solicited.

Shanu, 1st Oct.

(Signed) A Madiah

District Magistrate.

Copy.

Sub Inspector.

P.C.

(13)

9 To,

6372
J—339—92

The Registrar of the
Chief Court of Mysore.

Series Courts
No 12-1892-93
Serial No 2

With reference to
your letter No 5552/155 dated
29th Ultimo forwarding
for the consideration
& orders of Govt
Copy of letter No 687/844 of
1892, from the Deputy
Comm^r, Kolar, requesting
to be informed whether
distress warrants
issued by the authorities
in the Civil & Military
Station, Bangalore
can be executed in
Mysore, I am
directed to request
that a copy of your
letter No 1441/173 of the
3rd April 1891, referred
to by the Deputy Commr
in his letter above
may kindly be

I have the honour

1 & the address of the Sessions Judge Bangalore Divn

forwarded for reference.

I have te.

3/11/92

For Chief Secretary

E

10

(General Serial No. 29.)

14

188 OFFICE OF THE 5064 15 NOV. 92 BOARD OF

From The Registrar, [illegible] 92
Chief Court, Mysore

To Chief
The Secretary to the Dewan
of Mysore.

Dated 14 Nov. 92

Despatched 15

Received

Secret Courts
File No. 12 - 1892-93
Serial No 3

Enclosures No 1

General No. 5892 / No. 160 } 188 —8 .

From a copy of letter No. 1461/173 dy 3rd April 1892 from the address of the Sessions Judge, Nundydroog -

Jud. Br. Mysore 15/11

Submitted to Ch: Secretary to the Dewan
Bring 2 Bs

The papers will be laundered under G.O. 1 & the Legislature per [illegible] - The Regn will be informed accordingly & requested that communications of this kind appertaining to the Legislature should be addressed & the Legislature

(14)

No. 5892/160 Judicial

11

Bangalore 14th November 1892.

From,

The Registrar of the
Chief Court of Mysore.

To,

The Chief Secretary to the
Dewan of Mysore.

Sir,

As requested in your No. 6372/339-92 of the 3rd Instant, I am directed to forward copy of letter No. 1441/173 dated 3rd April 1891, to the address of the Sessions Judge, Nandidroog Division.

I have the honor to be,

Sir,

Your most Obedient Servant,

Ekanpaiah
for Registrar.

VR.

No 1441
173

12 Bangalore 3d April 1891

14
a

From,

The Registrar of the
Chief Court of Mysore.

To,

The Sessions Judge,
Nandidroog Division.

Sir,

In reply to your letter No $\frac{535}{249}$ of the 14th February last, forwarding copy of a docket from the District Magistrate of Kolar, bringing to notice that the District Magistrate of North Arcot returned, unexecuted, a Fine levy Warrant issued in Kolar Sessions Case No 3 of 1890, I am directed to state that the Notification quoted by the District Magistrate does not seem to apply to distress warrants. The Madras High Court in Proceedings dated 28th July 1879 (See Weir's Digest page 987) held that not only Mysore Distress warrants cannot be executed in British India, but similar warrants issued by the Authorities in Madras also cannot be executed in Mysore.

2. In para 15 of their letter No 84 dated 25th June 1878, printed at page 21 of the late Chief Commissioner's

Proceedings

proceedings for July 1878, the Government of India have expressed themselves very guardedly. They say that "the processes of Mysore Courts would be respected in British India to the extent and in the manner provided for by Act 11 of 1872, and by the Civil Procedure Code, the services of summonses being ensured by executive orders" A distress warrant is not referred to in Act 11 of 1872.

Shane, 9th "J"

/ Signed / S. Hanapeckas.

Registrar.

Copy.

Benjamin

for Registrar

ZR.

14

(15)

Four copies of the [illegible] signed by the Offg. Secretary with copies of the Enclosures have to be made as per [illegible] of the letter dated 30th ult, as directed.

27/Section Courts

File No. 12-1892

J Regr No: 653

No 13138 of 27-1-93.

J. 7. 15-8-92 31

Encl 3

To The Resident in Mysore

Bangalore

Sir,

I have the honor to forward herewith for your consideration, copies of the correspondence specified in the margin regarding the execution by the Courts in Mysore, of process warrants issued by Criminal Courts in the Civil & Military Stations of Bangalore, and vice versa

The Durbar concurs in the view taken by the Judges of the Chief Court that it is desirable that there should be a reciprocity of action in the matter.

1. Letter No 5552/155 dated 29 October 1892 from the Registrar of the Chief Court to the Chief Secretary.
2. Letter No 1287/846 dated 22nd Idem from the Dt. Magte of Kolar to the Registrar Chief Court
3. Letter No 1441/173 dated 3rd April 1891 from the Registrar Chief Court to the Superintendent Bangalore Cantonment Division referred to in the above letter.

15

Should you also concur in this opinion, I request that the Government of India may be moved to issue a notification as suggested by the Chief Court.

I have &c.

19/1/93

Offg Dewan.

Submitted for Hon. Mr. Ramachandra Rao's orders by the Offg Dewan

19/1/93

Secy

Issue

30/1

125.

16

(General Serial No. 30.)

OFFICE OF THE
9469
24 FEB. 93
16

1892.3 J 876

From The 1st Assistant to the Resident in Mysore

To-

courts
12-1892-93
5

Dated 24th February/1893

Despatched

Received

Enclosures No.

General No. 634

No. 726-85

Referring to letters No. 1612 & 34 of the 16th and 19th November 1884 in re: the reciprocity of action in the matter of criminal discovery warrants between the Station of Bangalore & the Mysore Durbar & informing that a notification by the Govt of India appears superfluous.

Jud. Mysore
24/2/93

To,
General Records.

Please put up the references quoted in para 2 of the letter

27-2-93. MK.

Genl Branch

Put up the Nos quoted, and send it

Just: Branch 28/3

M. G. O. P. Bangalore.—30-1-93.—5,000.

17

No. 634 / 726.85

(16)

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 24th February 189 2.

SIR,

I am directed to acknowledge the receipt of your letter No. 13138-J.F.158.92 dated the 27th January 1893, requesting that the Government of India be moved to issue a notification establishing reciprocity of action in the matter of Criminal distress warrants between the Civil and Military Station of Bangalore and the Mysore State.

2. In reply, I am to invite your attention to this office letter No.1612-284 and to letter No.34 from the Mysore Government to this office, dated the 10th and 19th November 1884 respectively, and to inform you that a notification by the Government of India appears to be superfluous, as they have accorded their formal sanction to the arrangements of 1881 under which reciprocity of action in respect of all criminal processes existed between the Civil and Military Station and the Mysore State.

I have the honor to be,

Sir,

Your most obedient servant,

First Assistant Resident.

No 16793
J.F. 15-8-92

Courts
12-1892-93

17

6

To,

The Registrar of the
Chief Court of Mysore.

Sir,

With reference to your letter No. 5552/155 dated the 29th October last, soliciting orders of Govt as to whether Distress warrants issued by the Courts in the Civil & Military Station can be executed in Mysore or not, and suggesting that there ought to be reciprocity of action in the matter, I am directed to forward for your information and guidance, copies of the

I have the honor

Dated 13th April 93

No. 939

to observe
Complete reciprocity
is between the C & M
in & Bangt. & the
in & the mysore State
regards the execution
Crim. processes by virtue of
the arrangement
ing between the
ore & the British
in India the Rendition
1881 and that
here is no reason to
in that the Distress
warrants of the class
are other than Criminal
Process"

the Correspondance with the Resident on the subject as marginally noted, which will show that the sanctions of the Govt. of India already accorded, ensure complete reciprocity of action in respect of all Criminal processes including Distress warrants between the Civil & Military Station and elsewhere in the Mysore State.

I have &c.

* Letter No. 13138-J.F. 158-92 dated 27th January to the Resident

" " " 634/726-85 dated 24th Feb. to the Do.

" " " 1612/2614 dated 10th Nov. from the Do.

" " " 34 dated 19th Nov. to the Do.

17078-86
F 158-92

Submitted 13th April 93.

Copies to be forwarded to the Collector of Bellary for information and guidance

20

No. 16793.
J. F. 158-92.

OFFICE OF THE DEWAN OF MYSORE.
Bangalore, 13*th April* 1893.

From

The Chief Secretary to the Dewan of Mysore.

To

The Registrar of the Chief Court of Mysore.

SIR,

With reference to your letter No. 5552—155, dated the 29th October last, soliciting orders of Government as to whether Distress warrants issued by the Courts in the Civil and Military Station can be executed in Mysore or not, I am to observe that complete reciprocity exists between the Civil and Military Station of Bangalore, and the rest of the Mysore State, as regards the execution of all criminal processes by virtue of the arrangement existing between the Darbar and the British Government since the Rendition of 1881, and that there is no reason to think that the Distress warrants in question are other than "Criminal Processes."

I have the honor to be,
SIR,
Your most obedient Servant,
T. ANANDA ROW,
Chief Secretary.

M. G. C. Press.—19-4-93.—200.